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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.												
09/841,570	04/24/2001	Gary Boccadutre	1647001	5425												
7590 HORST M. KASPER 13 FOREST DRIVE WARREN, NJ 07059		09/17/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">SHAKERI, HADI</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>3723</td><td></td></tr><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>09/17/2007</td><td>PAPER</td></tr></table>		EXAMINER		SHAKERI, HADI		ART UNIT	PAPER NUMBER	3723		MAIL DATE	DELIVERY MODE	09/17/2007	PAPER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/841,570

Applicant(s)

BOCCADUTRE ET AL.

Examiner

Hadi Shakeri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-10 and 12-35 is/are pending in the application.
- 4a) Of the above claim(s) 7-10, 14-16, 18 and 23-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 3-6, 12, 13, 17, 19-22 and 27-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

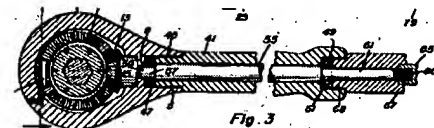
Claim Objections

1. Claim 32 is objected to because of the following informalities: The claim recites for "the ratchet head drive shaft is constructed like the drive socket" in line 8, whereas no drive socket is recited earlier in the claim, but it does recite for a drive socket (202A) in line 11; Applicant may wish to place this recitation after line 11; further "extension shaft (102)" in line 11 should be changed to, --extension shaft (202)--. It is also noted that lines 18-26 appear to recite a method of assembly, inappropriate for an article claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 3 and 5 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Lampke, US Patent No. 2,808,749.

Lampke as described in the previous Office actions meets all of the limitations of the above claims,



including the new recitations, i.e., lever arm having first and second configurations (Figs. 1 and 4); capable of attaching the sleeve to another sleeve for forming different length lever arm (Fig. 3, sleeve attachment devices, threaded sockets 5, male and 49, female).

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 4 and 6 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Lampke.

Lampke meets the limitations of claims 4 and 6 except for disclosing an extension and a shaft having a length between 6 to thirty inches, and for disclosing the range or a specific size of the plurality of extensions; obvious modification to one of ordinary skill in the art dependent on work-piece/operational parameters as indicated in previous Office actions.

6. Claims 12, 13, 17, 19-22 and 27-32 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Lampke in view of Hendrickson.

Lampke meet the limitations of the above claims, e.g., in Fig. 3, handle (63); handle drive shaft (65); handle sleeve mounting collar (68); extension sleeve (41) with first end formed with an interface collar (49) attached to mounting collar (68) and second end formed as in interface thread (45); extension shaft (55) having first end (61) and second end (47) disposed parallel and centered to the extension sleeve; shaft drive tang (57); ratchet head having a socket mount (33) and a threaded collar (5) attached to the sleeve interface thread (45); head drive shaft (15) connected to shaft drive tang (57); wherein the shaft is unsupported apart from the support (including bearings) furnished by the drive shaft and extension shaft and by the ratchet head to the extension shaft; and wherein the handle is directly attachable to the head (Fig. 5); except for disclosing an air power wrench and for disclosing a drive socket attached to the first end of the extension shaft and connected to the drive shaft (65) protruding from

the handle (63). Hendrickson teaches connecting the drive shaft to the handle and to the head using corresponding socket and boss means.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a pneumatic wrench and socket and boss connection means as taught by Hendrickson, 04:56 in adapting the invention for application requiring pneumatic drive and in ease of assembly/production.

Lampke in view of Hendrickson meets the limitations of claim 13, e.g., the types of connections having similar constructions between the head and the handle.

Lampke modified by Hendrickson as described meets all of the limitations of claims 17, 19-22 and 33-35, e.g., no contact between the shaft and the sleeve.

With regards to claims 27 and 32, Lampke modified by Hendrickson meets all of the limitations except for not using bearings; however eliminating the bearings, to save manufacturing costs, would have been obvious to one of ordinary skill in the art.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

8. Applicant's arguments filed on July 23, 2007 have been fully considered but they are not persuasive.

The argument with regards to the rejection of claims 3 and 5 over Lampke, is that Lampke fails to teach that the handle directly engages the head, which is not persuasive since in Fig. 5, Lampke discloses the direct attachment of the handle to the head through threaded socket (5) of the head and the threaded portion (68) of the handle, whether or not the drive shaft (55 or 77) is also connected to the head is irrelevant as the fails to indicate which claim limitation is not met.

The arguments regarding the rejection of claims 19-22 and 27-32 over Hendrickson are moot in view of the new rejections necessitated by the amendment.

The arguments regarding the rejection of claims 4 and 6 with respect to a particular length or a range of length are not persuasive, since as indicated in the Office actions, to modify the length or the range dependent on the operational parameters, e.g., reaching a workpiece 6" away, are considered well within the knowledge of one of ordinary skill in the art as it would require routine experimentations with predictable results. It is also noted that it has been held that a change in size is generally

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recognized as being within the level of ordinary skill in the art. *In re* Rose, 105 USPQ 237 (CCPA 1955).

The arguments regarding the rejection of claims 12, 13 and 17 over Lampke in view of Hendrickson are not persuasive, since firstly Applicant attacks the references individually whereas a combination of references is applied, and secondly because Lampke is modified to use pneumatic instead of electric motor, well within the knowledge of one of ordinary skill in the art dependent on the operational parameters; and then to use an alternative type of connection, i.e., socket and boss means, as taught by Hendrickson, well known in the art as also evident by cited reference Frenkel.

The arguments regarding the rejection of claims 1 and 11 over Frankel are moot in view of the cancellation of the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail, III can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 7, 2007

/Hadi Shakeri/
Primary Examiner, Art Unit 3723